



City of Newburgh

Office of the City Manager

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MEMORANDUM

TO: Courthouse Burial Ground Working Group

FROM: Ann Kuzmik, Administrative Assistant to the City Manager

RE: Courthouse Burial Ground;
Meeting of May 7, 2008- Summary of Comments

DATE: June 4, 2008

Attendees:

City Manager Jean-Ann McGrane
Mayor Nicholas Valentine
Mary McTamane, City Historian
Steve Ruelke, City Assessor/City Hall Courthouse Project Coordinator
Doug Mackey NYSHPO/OPRHP
Derrick Marcucci, Landmark Archeology
Kenneth Nystrom, SUNY New Paltz
Councilwoman Marge Bell
Dr. Benilda Armstead-Jones
Rev. Byron Williams, NAACP
Pamela Krizek, Church of St. Mary
Chuck Stewart, Hudson Valley Press
Ed McCarthy, Hudson Valley Press
Otis A Dees, A.M.E. Zion Church
Richard Peterson, Varick Homes
Yaniyah Pearson
Ann Kuzmik, Administrative Assistant

I. REPORT FROM COMMITTEES:

Mary McTamane reported from the Research Committee:

- The research team divided the work of people and place, reviewing census data, Alms Commission Records and death records

- Information re: burial location, or race were found to be not consistently recorded
- New York State did not require burial permits until 1866 - the Cemetery predates that
- Committee is also looking into school and census records- Rich Durbin is doing breakdown of people by census years who could possibly be buried there.
- Mary McTamaney showed a portrait of “Effie,” a portrait by Charles Winfield Tice of the Hudson River School. Effie is believed to have worked in the Smith House on Dubois Street.
- There is no deadline for research, said Doug Mackey, it can be ongoing

II. INTRODUCTIONS AND BACKGROUND

Steve Ruelke introduced Derrick (Dirk) Marcucci, Kenneth Nystrom, and Douglas Mackey, who presented background information:

- Before Robinson Avenue was built in the 1870s, we would have been looking at tombstones or grave markers on a hill; there has been a significant amount of fill over the years
- When Robinson Avenue was built, it is likely that some of the markers were moved along with people whose graves were marked; those without markers may not have been moved due to cost
- Mary McTamaney pointed out that the first bones were removed in 1869
- In 1872-1873 documents indicate a concern that the cemetery was not being cared for
- The Sanborn map of 1890 shows no buildings yet at the cemetery site
- There is a questions of whether the Alms House Cemetery and the Broadway burying ground were the same for a while
- In 1903, an oil cloth factory is noted near the site
- In 1908 the Broadway School was built
- In July of 1908, 3 sets of remains were found when the school basement was dug
- In March, and in May of 2008, 3 more sets were found

The archeologists presented a power point concerning the latest sets of remains

- The latest graves face East with the face to the sun (a cultural tradition)
- There are very few nails and no grave artifacts as yet except for a leather fragment removed from one of the first skeletons recovered. A rule of archeology is that people are treated in death like they were life; the rich would be buried with grave goods, paupers with nothing
- One of the graves under the former parking lot is likely that of an individual in the late teens or early 20s. The cause of death cannot be told as yet. There is damage to the skull likely pre-excavation from years of vehicles driving on lot
- Rev. Byron Williams said there had to be a way to know there was a cemetery on the site. He asked if there were no restrictions on burials
- Doug Mackey said there were no restrictions on burials until 1966, and in 1979 and 1980 laws were enacted; before that people could be buried in their backyards
- Dirk said variations found in depth of burials - the first ones found were right under the asphalt- these were 50-70 cm down

- Bones were also found when pile of soil from first excavation was sifted
- Since the first remains were found in March, three articulated remains and one partial set were found, and more partial remains were found in the industrial screen
- The remains are very fragile, and there is a large variation in the depth of burials
- This creates anxiety for the workers
- There is a high probability that there are more remains in the west end of the site
- All this raises ethical issues – also concerns about the costs and schedule
- In some cases it may be possible to avoid the remains, another choice is to systematically find and remove the remains in two stages- a question of being reactive vs. proactive

Dr. Kenneth Nystrom:

- His specialty is how bones react to the environment
- There is cultural data here - the east-west placement of some of the bodies, some have their arms crossed over their pelvis, others at their sides, or some over their chest
- Can get demographic information about age, sex, culture, biology, and race from bones and teeth; and from the research of the committees
- Could also learn about health and disease
- Once bones are exposed, they should be kept in an environment not subject to relative humidity or temperature
- A decision is needed immediately on how to proceed
- The medical examiner and Police have already signed off - this is not a crime scene

Pastor Byron Williams:

- “It may be important to do studies, but the bottom line is that the cemetery has been disturbed in an unethical and inhuman fashion
- Our priority should be how to right this wrong, and move forward so this doesn’t happen again.”

NEXT STEPS & OPTIONS

- The parking lot has to come up
- The area directly behind the building has the potential for more remains
- Decision must be made now whether to leave the remains where they are and have the same issue 50 years from now or take up all the remains and reinter them when work is done, maybe on site in a green space
- The archeologists can take out remains, and they can be reinterred together
- Construction crews are working around the remains- bones are degrading as exposed to air
- Secure parking needs to be provided around the side of the building for the judges. Doug said he is “fairly confident that no bodies are in that section”
- Yanyiah Pearson pointed out that we can’t be responsible for undoing what was done - but can do the “second most responsible thing”- reinter on site

- If it is decided that the bones are to be removed prior to construction, then each one will be carefully removed, wrapped, and contained - the remains will then go to Dr. Nystrom at New Paltz, who can handle up to 10 - if more are found, then they may go to the New York State Museum for safekeeping

VI: SUMMARY:

- The group agreed that the bones would be removed from the site and transferred to New Paltz. The remains currently in the custody of the Medical Examiner would also go to New Paltz.
- The Spirituality Group scheduled a ceremony at the site for 7 a.m. on May 8, prior to the removal of the remains
- Fr. Bill Scafidi said the City needed to make an apology (for the disrespect to those interred here when the road and the school were built)
- Dick Peterson said that would be the worst thing to do - it would be “fallacious” and open the City to the possibility of a lawsuit
- City Manager McGrane said the plan is to move forward with the removal asap; and the next piece is to move forward with plans for the commemoration
- The Commemoration Committee will be working with Kendal Henry, the City’s Director of Culture and Economic Development, to plan for public art inside and outside the future courthouse
- Ms. McGrane also cautioned that we may face the same issues when Robinson Avenue reconstruction begins; this is another reason to have a plan in place to deal with these and future findings

Next Meeting: TBA

Respectfully submitted,
Ann Kuzmik